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To:	U.S. Patent and Trademark Office	From:	James Remenick
Fax:	571-273-8300	Pages:	4 (w/fax cover)
Art Unit:	3641	Date:	November 8, 2006

• **Comments:**

Applicant: Philip M. SANTISI
Application No.: 10/615,407
Filing Date: July 9, 2003
Title: FASTENING DEVICE

Atty Docket No.: 8106.002.US

Attached:

1. Certificate of Transmission Under 37 CFR 1.8 (1 pg)
2. Response to Notice of Incomplete Reply to Restriction (2 pg)

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PATENT
Attorney Docket No.: 8106.002.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip M. SANTISI

Group Art Unit: 3641

Application Number: 10/615,407

Examiner: James Brittan

Filing Date: July 9, 2003

Title: FASTENING DEVICE

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on November 8, 2006.


Nadine E. Johnson

List of Transmitted Documents:

1. Response to Notice of Incomplete Reply to Restriction (2 pgs)

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PATENT
Attorney Docket No. 8106.002 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors Phillip M. Santisi)
Appl. No. 10/615,407) Group Art Unit: 3641
Filing Date: July 9, 2003) Examiner: James Brittain
Title: FASTENING DEVICE)

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

RESPONSE TO NOTICE OF INCOMPLETE REPLY TO RESTRICTION

Applicant received a Notice of Incomplete Reply from the United States Patent and Trademark Office, mail dated October 12, 2006, regarding the above-captioned patent application (the "Notice"). This Notice asserts that Applicant's Response, filed and dated August 12, 2004, was incomplete. Specifically, the Examiner states that "To satisfy this Notice, applicant is required to identify whether claims 39-41 read on elected Species I. See 37 CFR 1.111."

Applicant respectfully disagrees and again asserts that the entire restriction is unwarranted. There is no increased searching burden placed on the Examiner at least because all groups and all species are within the same or closely related classes and subclasses.

Nevertheless, the Examiner restricted Applicant to various groups of claims and also various species. Two of those species were asserted to be "as described in claims 39-41." Because "claims are never species" (M.P.E.P. 806.04(e)), the species restriction is improper.

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Appa. No. 10/615,407

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In an effort to assist the Examiner, Applicant respectfully notes that claims 39-41 are dependent from claim 1. According to the Examiner's analysis, claim 1 reads on Species I and, therefore, claims 39-41 can also read on Species I.

Conclusion

The application is in condition for examination and the prompt issuance of an Office Action or a Notice of allowance on the merits is respectfully requested. If there are any fees due with the filing of this Response, including any fees for an extension of time, applicant respectfully requests that extension and also requests that any and all fees due be charged to Deposit Account No. 14-1437 referencing Attorney Docket No. 8106.002.US.

Respectfully submitted,
NOVAK DRUCE & QUIGG LLP

Date: November 8, 2006

By: 

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